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STATE OF DELAWARE

WATER AND AIR RESOURCES COMMISSION

DOVER, DELAWARE 19901

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December 9, 1968

Certificate of Approval: APC - 68/105
New Castle County - Department of Public Works
Sanitary Landfill - Tybouts Corner

Mr. George W. Dutcher, Director
Department of Public Works
New Castle County
P. O. Box 165
Wilmington, Delaware 19899

Dear Mr. Dutcher:

Pursuant to the provisions of Section 6203, Chapter 442, Volume 55, Laws of Delaware, and by approval of the Delaware Water and Air Resources Commission on November 25, 1968, permission is hereby granted for the operation of a sanitary landfill on property located on Delaware Route 71, west of Tybouts Corner, New Castle County, Delaware in accordance with the report submitted in support of the application for permit. These supporting items are listed in Appendix A of this permit and are made a part thereof.

This Certificate of Approval is issued subject to the following conditions:

1. The operation of the sanitary landfill shall be in strict accordance with the report submitted in support of the application for approval. Any changes in the plan of operation will require the prior written approval of the Commission staff.
2. Representatives of the Water and Air Resources Commission may, at any reasonable time, inspect this operation.
3. The operation of the sanitary landfill shall, at all times, be in such a manner as not to cause air pollution from open burning or cause offensive odors which interfere with the enjoyment of life or property and are detectable in areas of human habitation or public use.

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4. The face and top of the individual lifts shall be compacted and covered daily with a compacted layer of at least six (6) inches of suitable cover material. The final cover shall be at least twenty-four (24) inches of suitable cover material.

5. Access roads shall be constructed and maintained in such a manner as to eliminate local nuisance conditions stemming from dust. Access shall be limited to those times when an attendant is on duty and only to those authorized to use the site for disposal of refuse.

6. The landfill site is to be restricted to the area designated on the attached, approved site plan.

7. Three existing ponds, numbered one, two and three on the approved plan, are to be kept open and maintained at the following minimum capacities:

Pond # 1 - 750,000 gallons

Pond # 2 - 750,000 gallons

Pond # 3 - 4,500,000 gallons

8. The 800 gallons per minute pump presently in operation during normal gravel washing shall continue to re-cycle water from Pond #3 into Pond #1 for at least three hours each day at full capacity, for a time sufficient to replace the water in Pond #1 at least once each week, or for any period of time deemed necessary by the Commission upon evaluation of the results of the testing program specified in Condition #13. The operation of the pump shall continue until such time as the Commission establishes that it may be discontinued. Records of the pump operation are to be maintained and made available for inspection by Commission representatives.

9. Disposal into standing water shall not be permitted and any such areas, other than the three designated ponds, are to be filled to existing adjacent grade and/or effectively sealed to the satisfaction of the Commission staff.

10. The western borders of Ponds #2 and #3 are to be built up to a height of at least five (5) feet above the pond elevations and effectively sealed to the satisfaction of the Commission staff.

11. The sluice gate from Pond #2 making connection with Pigeon Run is to be removed.

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12. A controlled overflow shall be constructed at the southernmost end of Pond #3. The height of the overflow is to be in such that discharges into Pigeon Run will occur only after periods of heavy rain or as required by the Commission staff.

13. The surface drainage from Area #1, shown on the approved plan, is to be diverted into Pond #1, and the surface drainage from Area #2 into Pond #3.

14. The deposition of chemicals and/or toxic materials shall be prohibited except by special permission of the Commission.

15. The permittee is to periodically, upon request of the Commission staff, determine the levels and volumes of the three ponds.

16. The permittee is to establish, to the satisfaction of the Commission staff, a program of research and testing whereby the landfill site, surface waters and subsurface waters will be sampled to determine water quality and surface and subsurface hydrological characteristics. Such a program shall consist of at least the following:

(a) conduct a pump test on the west side of Pigeon Run and determine the responses in at least one observation well on the east side of Pigeon Run.

(b) install test wells (drive points) in the operating area and between the area and the ponds. These are to be sampled on a schedule acceptable to the Commission and periodically have additional sections added as the elevation increase dictates. These should be permanent installations that will be sampled after the area is finished.

(c) sample on a schedule acceptable to the Commission the water contained in the three ponds.

(d) install a water level recorder in Pond #3 and gage the flow in Pigeon Run at Route 71, at least two locations adjacent to the three ponds, and near the confluence with Red Lion Creek.

(e) collect background quality data of entire area before operation begins.

(f) collect quality samples from sampling points in Pigeon Run and Red Lion Creek.

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17. If the testing program indicates that contaminated water is moving in the direction of either water supply wells or Pigeon Run, the permittee shall be required to take any steps deemed necessary by the Commission to alleviate or eliminate the situation.

18. The Commission reserves the right to modify the requirements of this approval as may be required to protect the water and air resources of the State.

19. This approval is valid until November 25, 1969 at which time written approval of the Commission is required for continued operation. Application for extension of this approval shall be submitted for Commission consideration prior to August 25, 1969.

20. This Certificate will be revoked upon violation of any of the preceding conditions and the operator shall be subject to the punitive measures of Section 6013 of the Water and Air Resources Act.

Sincerely yours,

John C. Bryson
John C. Bryson
Executive Director

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Enc.

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Appendix A

Supporting Documents

1. Letter from Mr. George W. Dutcher, Director, Department of Public Works, New Castle County, dated October 21, 1968, requesting temporary approval of the landfill operation.
2. Plot plan of the site, dated October 21, 1968
3. Letter from Mr. Dutcher, dated November 14, 1968, requesting that we consider the site for permanent approval for a five year period.
4. Letter from Mr. Dutcher, dated November 20, 1968 containing the following information:
 - a. Plan of Operations, 3 pages
 - b. Report of Soils Laboratory Work by Subsurface Engineering, Inc. dated November 18, 1968, 4 pages
 - c. Proposed agreement between County and owner, undated, 12 pages
 - d. County Ordinance, Number 67, Regulations of New Castle County for Control of Garbage and Rubbish Dumps and Public Collectors of Garbage and Rubbish, 12 pages

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